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March 14, 2012

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

ENTERED
Office of Proceedings
MAR 14 2012
Part of
Public Record

Re: Docket No. AB-392 (Sub-No. 1X)
Arkansas Midland Railroad Company, Inc. –
Abandonment Exemption -- In Phillips County, AR

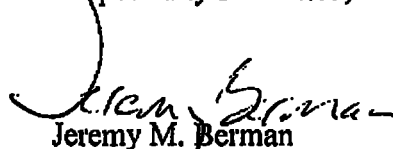
Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding is correspondence from the State of Arkansas Department of Finance and Administration received in response to the Environmental/Historic Report served on February 9, 2012. The correspondence contains similar comments previously received and incorporated into the Environmental/Historic Report.

Also enclosed for filing is the Affidavit of Publication received from the Helena Daily World showing that the required newspaper notice was published on February 28, 2012.

Copies of both enclosures have been provided directly to the Board's Office of Environmental Analysis. If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance on this matter.

Respectfully submitted,



Jeremy M. Berman
Attorney for Arkansas Midland
Railroad Company, Inc.

JMB:jb
Enclosures

cc: Ms. Victoria J. Rutson, OEA



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF INTERGOVERNMENTAL SERVICES
1515 West Seventh Street, Suite 417
Post Office Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5206
<http://www.state.ar.us/dfa>

February 24, 2012

Surface Transportation Board
Office of Environmental Analysis
395 E Street, S.W., Room 1106
Washington, D.C. 245-0295

COPY

RE: Docket #AB-392-(Sub #1X) – Arkansas Midland Railroad Company, Inc
Abandonment Exemption - Phillips County, Arkansas

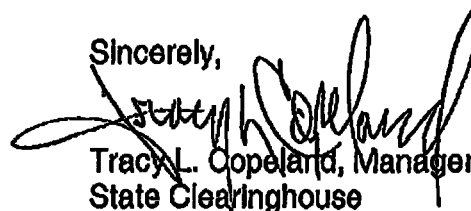
Dear Sir's:

The State Clearinghouse has received the above document pursuant to the Arkansas Project Notification and Review System.

To carry out the review and comment process, this document was forwarded to members of the Arkansas Technical Review Committee. Resulting comments received from the Technical Review Committee which represents the position of the State of Arkansas are attached.

The State Clearinghouse wishes to thank you for your cooperation with the Arkansas Project Notification and Review System.

Sincerely,


Tracy L. Copeland, Manager
State Clearinghouse

TLC/nd
Enclosure
CC: Randy Young, ANRC



Arkansas Natural Resources Commission



J. Randy Young, PE
Executive Director

101 East Capitol, Suite 350
Little Rock, Arkansas 72201
<http://www.anrc.arkansas.gov/>

Phone: (501) 682-1611
Fax: (501) 682-3991
E-mail: anrc@arkansas.gov

Mike Beebe
Governor

MEMORANDUM

TO: Mr. Tracy Copeland, Manager
State Clearinghouse

FROM: Mr. J. Randy Young, P.E., and Chairman
Technical Review Committee

SUBJECT: Docket #AB-392-(Sub #1X)
Arkansas Midland Railroad Company, Inc.
Abandonment Exemption - Phillips County, Arkansas

DATE: February 21, 2012

RECEIVED

FEB 28 2012

INTERGOVERNMENTAL
SERVICES
STATE CLEARINGHOUSE

Members of the Technical Review Committee have reviewed the above referenced project; Arkansas Midland Railroad Company, Inc. (AKMD) expects to file with the Surface Transportation Board a notice of exemption for the abandonment of Arkansas Midland Railroad Company's line of railroad, referred to herein as the West Helena Industrial Road, extending from the connection with AKMD's main line at milepost 0.00 to the end of the tract at milepost 2.66 in West Helena, Phillips County, Arkansas, a distance of approximately 2.66 miles.

In accordance with 49 C.F.R. §§1105.7(b), and 1105.11, an Environmental/Historic Report will accompany the notice of exemption which describes the proposed action and any expected environmental or historic effects.

It is the conclusion of this Report that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

The Committee supports this project.

Agency comments are included for your review.

The opportunity to comment is appreciated.

JRY/ddavis



STATE OF ARKANSAS

OFFICE OF INTERGOVERNMENTAL SERVICES

Department of Finance
and Administration

1616 West Seventh Street, Suite 412
Post Office Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-3206
<http://www.state.ar.us/dfa>

MEMORANDUM

TO: All Technical Review Committee Members

FROM: Tracy L. Copeland, Manager - State Clearinghouse *#254p*

DATE: February 15, 2012

SUBJECT: Docket No. AB-392-(Sub-No. 1X) Arkansas Midland Railroad Company, Inc.
Abandonment Exemption - In Phillips County, Arkansas

Please review the above stated document under provisions of Section 404 of the Clean Water Act, Section 102(2) of the National Environmental Policy Act of 1969 and the Arkansas Project Notification and Review System.

Your comments should be returned by "AS SOON AS POSSIBLE" (2/29/12) to - Mr. Randy Young, Chairman, Technical Review Committee, 101 E. Capitol, Suite 350, Little Rock, AR 72203.

NOTE: It is imperative that your response be in to the ANRC office by the date requested. Should your Agency anticipate having a response which will be delayed beyond the stated deadline for comments, please contact Ms. Debby Davis of ANRC at (501) 682-3830 or the State Clearinghouse Office.

☐ Support ☐ Do Not Support (Comments Attached)

☒ Comments Attached ☐ Support with Following Conditions

☐ No Comments ☐ Non-Degradation Certification Issues
(Applies to ADEQ Only)

** See Comments from October 26, 2011 Attached*

Name(print) *John Turner* Agency *ANRC* Date *2-16-2012*

Telephone Number *501.682.1608*

MEMORANDUM

TO: Ed Swaim, Chief, Water Management Division
CC:
FROM: John Turner, Program Coordinator
DATE: October 26, 2011
RE: Docket No. AB-392(Sub-No.1X) Arkansas Midland Railroad Company, Inc.
Abandonment Exemption - In Phillips County, AR

ANRC has reviewed the above application. At this time there are no objections to the proposal so long as the mitigation process (avoid, minimize, compensate) is adhered to in regards to wetlands and streams. Appropriate methodologies should be implemented when determining the extent of unavoidable impacts and compensation ratios for wetlands (Charleston Method) and streams (Little Rock Method). The appropriate amount of compensatory mitigation required to offset the impacts should be implemented to insure the mitigation is appropriate to "obtain no overall net loss to wetlands" as agreed to within the 1990 EPA/Corps MOA concerning the Determination of Mitigation Under the Clean Water Act Section 404(b)(1) Guidelines.

Additionally, I recommend that the most current best management practices (BMPs) be made a part of the planning process for the removal of the tracks. These efforts will help minimize erosion and maintain water quality in the area.

I have attached the application for your review, decision, and signature.

Attachment



STATE OF ARKANSAS

Department of Finance
and Administration

OFFICE OF INTERGOVERNMENTAL SERVICES

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Phone: (501) 682-1074
Fax: (501) 682-8208
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MEMORANDUM

TO: All Technical Review Committee Members

FROM: Tracy L. Copeland, Manager - State Clearinghouse

DATE: February 15, 2012

SUBJECT: Docket No. AB-392-(Sub-No. 1X) Arkansas Midland Railroad Company, Inc.
Abandonment Exemption - In Phillips County, Arkansas

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☒ Support

☐ Do Not Support (Comments Attached)

☐ Comments Attached

☐ Support with Following Conditions

☒ No Comments

☐ Non-Degradation Certification Issues
(Applies to ADEQ Only)

Name(print)

William P. Prou

Agency

Ark. Geology

Date

2-17-2012

Telephone Number

501-683-0117

Survey

The Daily World

Clark Smith, Publisher

417 York Street - P.O. Box 340

Helena, AR 72342-0340

AFFIDAVIT

COUNTY OF PHILLIPS STATE OF ARKANSAS

I, Ann Puckett, hereby certify that I am the General Manager of The Daily World, a Newspaper published at regular intervals continuously at Helena, Phillips County, Arkansas, for more than a period of twelve months, circulated and distributed from an established place of business to subscribers and readers generally of all classes in city and county for a definite price for each copy, or fixed price per annum, which price was fixed at the news value and service it contains; that at least fifty percent of the subscribers thereto have paid cash for their subscription to the newspaper or its agents or through recognized news dealers over a period of at least six months, and that the said newspaper publishes an average of more than forty percent news matter.

I further certify that the legal notice hereto attached was published in said newspaper for 1 consecutive insertion as follows:

The first insertion on the 28th day of February, 2012.

The second insertion on the _____ day of _____, 2012.

The third insertion on the _____ day of _____, 2012.

The fourth insertion of the _____ day of _____, 2012.

Ann Puckett
General Manager

Sworn and subscribed to before me this 29th day of February, 2012.

Carolyn Brown
Notary Public

My commission expires: 12-18-2020.

CAROLYN BROWN
Notary Public-Arkansas
Phillips County
My Commission Expires 12-18-2020
Commission # 12379767

Tel. (870)-338-9181

Fax (870)-338-9184

Notice of Intent to Abandon Arkansas Midland Railroad Company, Inc. Arkansas Midland Railroad Company, Inc. (AKMD) gives notice that on or after March 1, 2012 it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152. Subpart F-Exempt Abandonments permitting the abandonment of approximately 2.66 miles of rail line extending from milepost 0.00 to the end of track at milepost 2.66 in West Helena, traversing United States Postal Service ZIP Codes 72342 and 72390 in Phillips County, Arkansas. The proceeding will be docketed as No. AB-392 (Sub-No. 1X). The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 10 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0295. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E Street, S.W., Washington, DC 20423 (see 49 CFR 1104.1(a) and 1104.3 (a)), and one copy must be served on AKMD's representative (see 49 CFR 1104.12 (a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs and Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on AKMD's representative at the following address: Fletcher & Sipple LLC, Attention: Jeremy M. Ber- man, 29 North Wacker Drive, Suite 920, Chicago, IL 60606-2832.